

S/N 10/629,018

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | MORAD et al. | Examiner: | THUY TRAN LIEN |
| Serial No.: | 10/629,018 | Group Art Unit: | 1761 |
| Filed: | 07/29/2003 | Docket No.: | 2661.0465US01 |
| Title: | MULTI-COMPONENT DOUGH | | |

RESPONSE TO ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This letter is in response to the Final Office Action dated November 27, 2007 and the Advisory Action dated February 11, 2008. Applicants previously filed an Amendment and Affidavit showing that the puff pastry layer of the prior art is not similar to the layers claimed in Applicants' application. The Examiner has not accepted the factual statements of the Affidavit but has given no factual basis to ignore the facts about puff pastry.

The Examiner completely disregarded the Affidavit of Rettey who is an expert and knowledgeable about the nature of puff pastry manufacture and characteristics. This is not a matter of opinion, it is simply a matter of fact. Puff pastries have a specific characteristic and are as described in the Declaration. The Examiner has not provided any reason as to why the characterizations of the thicknesses of the layers are not as described in the Declaration.

The Examiner's only substantive allegation seems to be request a "authoritative text book" to show that puff pastry has such a thickness as further evidence supporting the Declaration. This is not necessary since the Declaration is factually correct.

In order to advance this case, please find enclosed with this letter, a portion of Breads, (Time-Life Books, copyright 1981) pp. 44 and 45 (see Illustration 6, page 45). This illustrates

that puff pastries are made typically at a thickness of 1/8" (3 mm) with greater than 50 layers. This is consistent with the Rettey Declaration and the understanding of one of ordinary skill in the art with respect to puff pastries.

The Examiner's comments about the thickness of the dough is illogical if puff pastries are commonly 3 mm it would not be obvious to change the thickness of the material of the prior art to match the claimed crust. No puff pastry can be made at that thickness. The Examiner argues that the Applicant has no measurement of the difference between a crispy and a soft layer. Puff pastries are so well known such a characteristically soft crust when cooked needs no measurement for one of ordinary skill in the art. A thin layer such as that claimed by Applicants will inherently be crisp in the absence of substantial leavening. Applicants' layer is not made with substantial layers of fat as needed by a puff pastry layer is made and is not like a puff pastry layer in any characteristic.

There is no need by one of ordinary skill for comparisons to the Van Der Graaf material since the differences with puff pastry characteristics are well known and well understood in this art as is illustrated in the Declaration and in the attached pages from the Breads reference book.

Respectfully submitted,

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Date: March 6, 2008



Interleaving with Butter for Flaky Layers

Yeast dough interleaved with thin layers of butter produces a variety of delectable breads that puff higher than any other yeast bread. During baking, the moisture in this yeast puff dough turns to steam. The folded-in butter keeps the layers of dough separate, holding in the steam so that the bread balloons as it bakes. Finally, the dough dries out and its layers become light flakes. Among the breads made from this dough are croissants, French breakfast favorites; the art of making them is demonstrated here and on page 46. Other, more complex shapes are shown on pages 47-51.

The preparation of yeast puff dough (*recipe, page 166*) begins with mixing dough—moistened in this case with milk rather than water—kneading it, letting it rise twice and then rolling it thin. This sheet is spread with softened butter, folded in thirds to enclose the butter, rolled to compress the layers and folded once again. To assure the dough enough layers to puff up handsomely, the folding and rolling must be repeated at least once—more often if you wish. Each repetition triples the number of butter layers. The dough shown here has 54 layers of butter between 55 layers of dough.

Because the yeast puff dough undergoes so much handling, care must be taken not to overdevelop the gluten: The initial kneading should be lighter than for an ordinary bread, and the dough must be given an hour to relax after each sequence of rolling and folding. During the rest periods, the dough should be covered so that the surfaces do not dry out, and refrigerated so that the butter stays firm enough to separate the layers.

Handling the dough is best done on a cool work surface, such as marble. If you have only a laminated plastic counter, cool it with an ice bag before placing the dough on it. A breadboard—the least satisfactory surface—can be chilled in the refrigerator or freezer.

After a final rolling, the dough is ready to be cut and shaped. For croissants, triangles of dough are rolled up tight and curled into crescents, then left to rise. The baking should begin at a very high heat to give impetus to oven spring (*page 16*), then proceed at a lower temperature to keep the exteriors from burning.



1 Adding butter. Prepare dough, substituting milk for water, and let it rise twice. Roll out the dough into a rectangle $\frac{1}{2}$ inch [1 cm.] thick and three times as long as it is wide. Soften butter (*page 35*) and spread it with a narrow metal spatula over two thirds the length of the rectangle, leaving a $\frac{3}{4}$ -inch [2-cm.] margin around the edges.



2 Folding the dough. Fold the unbuttered third of the rectangle over half of the buttered dough. Then bring over the remaining buttered section to cover these two layers.



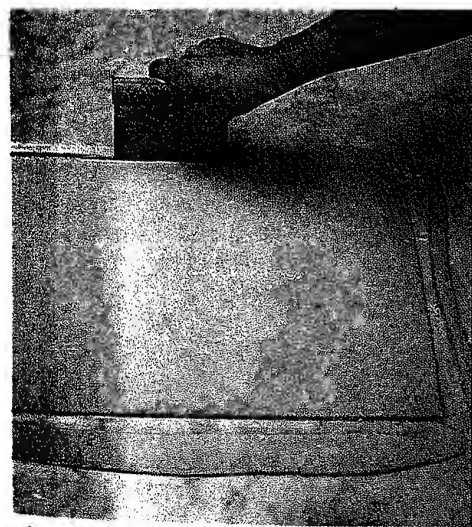
5 Folding the dough. Remove the dough from the refrigerator. Place it on the work surface with one of its short sides facing you. Roll out the dough into a long rectangle again, and fold it in thirds (*above, left*). Give it a quarter turn, roll it out into a rectangle and fold the dough once more (*right*). Cover the dough again and chill it for another hour.



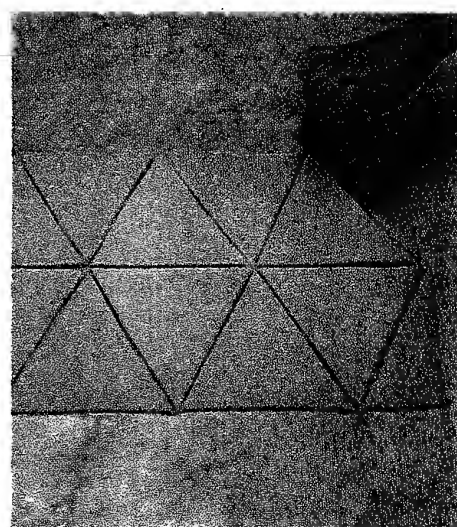
3 Sealing the edges. With a rolling pin, lightly press together the three open sides of the layered package. The gentle pressure will seal in the soft butter and keep it from oozing out when the dough is rolled again.



4 Turning and rolling the dough. Give the layered package a quarter turn. Roll out the dough lightly (*above, left*) — too much pressure will force out the butter — until it becomes a rectangle about twice as long as it is wide (*right*). Fold the dough into thirds again (*Step 2*). Cover the dough with plastic wrap or a damp cloth and chill it for an hour in the refrigerator.



6 Trimming the dough. Roll out the layered dough about $\frac{1}{8}$ inch [3 mm.] thick. Using a dough scraper (*above, left*) or a small knife, and guiding the blade with a ruler if necessary, trim the sides of the dough to make a neat rectangle. Divide the rectangle lengthwise into strips about 6 inches [15 cm.] wide (*above, right*).



7 Cutting out triangles. With the dough scraper or knife, mark points about 6 inches [15 cm.] apart on the long edges of the two strips, starting 3 inches [8 cm.] from one end. Make diagonal crossing cuts between the marks to produce triangles. ►